

## **TESTIMONY**

### **HB 30**

#### **Environment - On-Site Wastewater Services - Board, Fees, and Penalties**

February 1, 2023

Position: Support with amendment

Honorable Kumar Barve, Chair  
Hon. Dana Stein, Vice Chair  
House Environment and Transportation Committee

On behalf of the Maryland Society of Professional Engineers (MDSPE) I wish to present an amendment for inclusion in in HB 30 Environment - On-Site Wastewater Services - Board, Fees, and Penalties.

HB 30 has been filed to correct errors and omissions in legislation that was enacted in 2021 and 2022 (HB 407 in 2021 and HB 318 in 2022). The concern for MDSPE has arisen since the Department of the Environment has initiated enforcement of these laws and is requiring Licensed Professional Engineers (PE's) to file for additional license and enlist in training for on-site wastewater services,. This is an activity that PE's are professionally trained and licensed to perform by the Board of Professional Engineers.

The Board of Professional Engineers (Board) licenses PE's, all of whom are well educated, undergo many years of rigorous training in professional engineering firms before they are permitted to take and pass as series of demanding tests administered by the Board.

After they are invested as a PE, they must pay a biennial license fee, and perform a minimum 16 hours of continuing education.

Every engineering firm must maintain a Firm Permit and pay a Firm Permit fee with the Department of Labor..

One of the requirements for professional engineers is that they may not engage in engineering activities unless they have sufficient knowledge and skill in that activity.

To my knowledge, the situation where the Department of the Environment or any other department has required PEs to obtain additional licensing has not been a previous concern. We would not have anticipated this from the initial legislation and if we had, we certainly would have raised this issue at the time.



The legislation did not specify PE's should be licensed. Testifying on behalf of the Department on February 2022, Tyler Abbott indicated that the Department held meetings with workgroups across the state and individual in the septic industry; however, Licensed Professional Engineers were not considered one of the groups to be included at that time. In addition he mentioned that there would be an overlap with the State Board of Environment Health Specialists, and State Board of Waterworks, Clearly, there was not consideration of and no intention to overlap with the Maryland State Board of Professional Engineers.

Our request for this amendment is not academic in nature. The Department is issuing PE's citations demanding that they obtain an on-site wastewater service license, pay a license fee, attend training.

We sincerely believe there is adequate justification and precedent for making an exception for Licensed Professional Engineers. We ask that you give this your consideration.

We respectfully request a favorable consideration of our amendment.

AMENDMENT

**SB 7 / HB 30**

**Environment - On-Site Wastewater Services - Board, Fees, and Penalties**

**AMENDMENT No. 1**

On Page 1, line 4, after penalties; insert: **“EXEMPTING LICENSED PROFESSIONAL ENGINEERS”**

FOR the purpose of altering the composition of the State Board of On–Site Wastewater Professionals; clarifying and altering the distribution of certain fees and penalties; clarifying the application of certain license requirements and penalties; **EXEMPTING LICENSED PROFESSIONAL ENGINEERS**, and generally relating to the regulation of on–site wastewater services.

**AMENDMENT No. 2**

on page 1, line 9 after 9-217.2, insert: 9-11A-01 (d) (2)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–217.2, **9-11A-01(d)(2)**, 9–11A–06(a), and 9–11A–15 Annotated Code of Maryland (2014 Replacement Volume and 2022 Supplement)

**AMENDMENT No. 3**

On page 3, after line 9, insert:

“(c) License” means any category of professional license issued by the Board to an individual to provide on-site wastewater services in the State.

**(d)**

**(1)** “On-site wastewater services” means any activity associated with the design, installation, operation and maintenance, pumping, repair, or property transfer inspection of an on-site wastewater system.

**(2)** “On-site wastewater services” does not include:

**(I) DESIGN, INSPECTION OR CONSTRUCTION SUPERVISION BY A LICENSED PROFESSIONAL ENGINEER; OR**

**(II)** any type of on-site wastewater system inspection other than a property transfer inspection.”

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